

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROBERT McFEETER,

Plaintiff,

v.

**CITY OF MIDDLETOWN
DEPARTMENT, et al.,**

Defendants.

Case No.: C-1-01-900

Judge Beckwith

**DEFENDANTS' MOTION
IN LIMINE**

Now come Defendants, by and through counsel, and move the Court for an order prohibiting any reference to the discharge of Defendant Kathy Jones from the Middletown Police Department or the circumstances relating thereto. This motion is supported by the attached Memorandum.

Respectfully submitted,

/s/ Konrad Kircher

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MEMORANDUM

Officer Kathy Jones was terminated from employment with the Middletown Police Department in September, 2004, as a result of her misuse of a taser gun on a prisoner. The prisoner was not Plaintiff Robert McFeeter, nor did the taser incident have any connection whatsoever with the allegations set forth by McFeeter in this case.

Evidence of Ms. Jones' termination is irrelevant to the claims in this case and would be unfairly prejudicial to Defendants. It is irrelevant because the fact that Ms. Jones exercised poor self-control on a single occasion nearly four years after the date on which McFeeter's allegations arise has no bearing on whether she was aware of McFeeter's alleged beating by two male officers. It would be unfairly prejudicial to Defendants, because the jury could possibly conclude that the offense is an indication of character with which she acted in conformity.

Accordingly, evidence of the termination and the circumstances relating thereto should be prohibited from trial.

Respectfully submitted,

/s/ Konrad Kircher
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Defendants' Motion In Limine was served upon James Ruppert, Esq., RUPPERT, BRONSON, RUPPERT & D'AMICO, CO., LPA, 1063 E. Second Street, P.O. Box 369, Franklin, Ohio 45005 via regular U.S. mail, postage prepaid, this ____ day of November, 2004.

Konrad Kircher (0059249)

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Defendants' Motion In Limine was served upon James Ruppert, Esq., RUPPERT, BRONSON, RUPPERT & D'AMICO, CO., LPA, 1063 E. Second Street, P.O. Box 369, Franklin, Ohio 45005 via regular U.S. mail, postage prepaid, this 16th day of November, 2004.

Konrad Kircher (0059249)